

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

signed 9/23/02

KHAMPHANH CHANTHANOUNSY,

Petitioner

v.

CUMBERLAND COUNTY SHERIFF,

Respondent

Civil No. 02-71-P-C

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge having filed with the Court on July 9, 2002, with copies to the *pro se* Petitioner and to counsel, her Recommended Decision on 28 U.S.C. § 2241 Petition Seeking a Bail Hearing (Docket No. 6); and the United States having filed its objection thereto on July 19, 2002 (Docket No. 7); and this Court having reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; and this Court having made a *de novo* determination of all matters adjudicated by the Magistrate Judge's Recommended Decision, and concurring with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and having determined that no further proceeding is necessary; it is **ORDERED** as follows:

- (1) The objection of the United States is hereby **DENIED**;
- (2) The Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**;

- (3) A **CONDITIONAL WRIT OF *HABEAS CORPUS*** is hereby **GRANTED** releasing Petitioner Chanthanounsy unless the INS provides him with a bail hearing before an immigration judge immediately, and under no circumstances later than thirty (30) days from the date of docketing of this Order.

GENE CARTER
District Judge

Dated at Portland, Maine this 23rd day of September, 2002.

KHAMPHANH CHANTHANOUNSY
plaintiff

v.

SHERIFF, CUMBERLAND COUNTY
defendant

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